

Honorable Thomas S. Zilly

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MARGARET DALLO,

Plaintiff,

v.

HOLLAND AMERICA LINE N.V., LLC, a
Curacao corporation,

Defendant.

NO. 2:19-cv-00865-TSZ

PLAINTIFF'S TRIAL BRIEF

I. SUMMARY OF TRIAL

This is a non-complex personal injury case that occurred on a cruise ship. On November 26, 2018, a worker on board a Holland America Line ("HAL") vessel opened a door outward into a passenger hallway from a crew assembly area, knocking Plaintiff Margaret Dallo over as she walked past. Plaintiff suffered a traumatic brain injury (TBI) and required surgery to evacuate the blood that was building up inside her cranium.

At issue in this trial are liability, causation, and damages. Plaintiff will call eyewitnesses to testify about what happened on the date in question, and question HAL representatives on their knowledge of the incident. Plaintiff will call an expert in human factors (Joellen Gill) to testify

1 regarding normal human behavior in combination with the features of the ship. Plaintiff will call
 2 an expert neurologist to talk about her injuries, resultant treatment, and medical bills. Plaintiff
 3 will also call lay witnesses and treating doctors to testify about her prior level of functioning and
 4 any changes they have seen in Plaintiff since the injury.

5 **II. WITNESSES**

6 Plaintiff intends to call the following witnesses:

- 7 A. Cary D. Alberstone, MD, FACS – will via videoconference, or via videotaped
 8 deposition, 1700 North Rose Avenue, Suite 250, Oxnard, CA 93030, (805) 983-
 9 1700. Dr. Alberstone is a medical doctor who specializes in brain and spinal
 10 surgery who will be called to testify regarding the injuries received by Ms. Dallo
 11 and the resultant treatment. He will also testify regarding the Plaintiff's medical
 12 bills regarding and whether they are reasonable, necessary, and related.
- 13 B. Joellen Gill – will testify via videoconference, or via videotaped deposition,
 14 Applied Cognitive Sciences, 10501 South Lambs Lane, Mica, WA 99023, (509)
 15 624-3714. Ms. Gill is a human factors engineering consultant who is board
 16 certified in professional ergonomics who will be called to testify human factor
 17 considerations consistent with her report previously disclosed.
- 18 C. Ziad Allos, MD – will testify via videoconference, or via videotaped deposition,
 19 Scripps Health, 10862 Calle Verde, La Mesa, CA 91941, (619) 660-1822. Dr.
 20 Allos is Plaintiff's primary care physician. He is a non-retained hybrid expert. He
 21 has knowledge of the facts related to Plaintiff's injuries and her physical condition
 22 both before and after the injury and will offer opinions consistent with his
 23 testimony at his deposition.
- D. Margaret Dallo – will testify via videoconference, or via videotaped deposition,
 c/o FRIEDMAN | RUBIN, 1109 – 1st Avenue, Suite 501, Seattle, WA 98101,
 (206) 501-4446. Ms. Dallo is the plaintiff in this matter. She will be called to
 testify regarding the nature of her injuries, the circumstances and cause of her
 injuries, and the impact of injuries to the quality of her life.
- E. Jacklen Michail – will testify via videoconference, or via videotaped deposition,
 3133 Jamacha View Drive, El Cajon, CA, (619) 733-6621. Ms. Michail is
 Plaintiff's daughter and was present when Plaintiff was injured. She has
 knowledge of the facts related to Plaintiff's injuries and her physical condition
 prior to and since the injury. She also has knowledge of the facts related to
 Plaintiff's damages resulting from the injuries.

- 1 F. Layla Konja (deceased) – will testify via videotaped deposition. Ms. Konja was
2 Plaintiff’s daughter and was present when Plaintiff was injured. She had
3 knowledge of the facts related to Plaintiff’s injuries and her physical condition
4 prior to and since the injury. She also had knowledge of the facts related to
5 Plaintiff’s damages resulting from the injuries.
- 6 G. Michael Dallo, Sr. – will testify via videoconference, or via videotaped deposition,
7 3589 Babel Drive, Jamul, CA, (619) 301-9601. Mr. Dallo is Plaintiff’s son. He
8 has knowledge of facts related to Plaintiff’s injuries and her physical condition
9 prior to and since the injury. He also has knowledge of facts related to Plaintiff’s
10 damages resulting from the injuries.
- 11 H. Mona Dallo – will testify via videoconference, or via videotaped deposition, 3589
12 Babel Drive, Jamul, CA, (619) 756-3216. Ms. Dallo is Plaintiff’s daughter-in-law.
13 She has knowledge of facts related to Plaintiff’s injuries and her physical condition
14 prior to and since the injury. She also has knowledge of facts related to Plaintiff’s
15 damages resulting from the injuries.
- 16 I. Mary Kalil – will testify live, or via videoconference, or via videotaped deposition,
17 3582 Tamra Court, Jamul, CA, (619) 251-2670. Ms. Kalil is Plaintiff’s
18 granddaughter. She has knowledge of facts related to Plaintiff’s injuries and her
19 physical condition prior to and since the injury. She also has knowledge of facts
20 related to Plaintiff’s damages resulting from the injuries.
- 21 J. Irma Velasco – will testify via videoconference, or via videotaped deposition,
22 3890 Sipes Lane #46, San Ysidro, CA, (619) 717-9085. Ms. Velasco is Plaintiff’s
23 housekeeper and friend. She has knowledge of facts related to Plaintiff’s injuries
and her physical condition prior to and since the injury. She also has knowledge
of facts related to Plaintiff’s damages resulting from the injuries.
- K. Kelly Coyne – will testify via videoconference, or via videotaped deposition, 3125
Jamacha View Drive, El Cajon, CA 92019-5143. Mr. Coyne is Plaintiff’s
neighbor and friend. He has knowledge of facts related to Plaintiff’s injuries and
her physical condition prior to and since the injury. He also has knowledge of facts
related to Plaintiff’s damages resulting from the injuries.
- L. Mark A. Aguirre – will testify via videoconference, or via videotaped deposition,
c/o Holland America. Mr. Aguirre is an officer, director, managing agent, or other
person who will testify regarding matters requested by way of Notice of 30(b)(6)
Deposition to HAL dated June 15, 2020.
- M. James Colwell– will testify via videoconference, or via videotaped deposition, c/o
Holland America. Mr. Colwell is an officer, director, managing agent, or other
person who will testify regarding matters requested by way of Notice of 30(b)(6)
Deposition to HAL dated June 17, 2020.

1 **III. ISSUES**

2 A jury will be necessary to determine fault of the parties, whether the alleged negligence
3 caused Plaintiff's injuries, and the amount of her damages. The parties have briefed their Motions
4 in Limine and submitted them. There are no other outstanding legal issues for the court at this
5 time.

6 The parties have conferred regarding the identity of the defendant and filed a stipulation
7 that Holland America Line N.V., L.L.C., is the proper defendant for purposes of this litigation
8 (although the various other entities work in concert with HAL N.V.) (Dkt. 42).

9 The parties have also conferred and agreed to language regarding the relationship
10 between Mr. Milic (the crewmember who opened the door) and HAL. In short, HAL agrees that
11 it is vicariously liable for any negligence on the part of Mr. Milic. The parties joint pretrial report
12 contains language to that effect in the stipulated facts section.

13 **IV. CONCLUSION**

14 This is a simple case that is only complicated somewhat by the application of novel
15 technology. Plaintiff will work diligently to be prepared to meet the challenges associated with
16 this technology. We will continue to work with defense counsel to resolve issues without
17 involving the court. We anticipate completing our case in chief in a timely manner once the jury
18 is selected.

19 DATED this 11th day of September, 2020.

20 /s/David P. Roosa

21 David P. Roosa, WSBA #45266
22 Kenneth R. Friedman, WSBA #17148
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Attorneys for Plaintiff

CERTIFICATE OF SERVICE

On this 11th day of September, 2020, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to those attorneys of record registered on the CM/ECF system.

DATED this 11th day of September, 2020, at Seattle, Washington.

/s/ David P. Roosa
DAVID P. ROOSA